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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In Re:	)	CHAPTER 7 PROCEEDINGS
)	
ARMANDO CASTRO SALGADO AND	)	Case No. 12-32980
DORA BELTRAN SALGADO,)	
	)	<i>Assigned for all purposes to:</i>
Debtors,	)	<i>Hon. Hannah L. Blumenstiel</i>
)	
)	
	)	MOTION FOR ORDER OF ABANDONMENT
	)	OR IN THE ALTERNATIVE FOR AN ORDER
BENJAMIN ROJAS,	)	AUTHORIZING SALE OF REAL PROPERTY
)	
)	
Movant,	)	Hearing date: January 16, 2014
	)	Time: 10:00 a.m.
v.	)	Courtroom: 23
)	
)	
ARMANDO CASTRO SALGADO AND)	
DORA BELTRAN SALGADO, AND THE)	
UNITED STATES TRUSTEE,)	
)	
Respondents.)	
)	
)	

BEN ROJAS, (hereafter "Movant") is the prospective purchaser of the real estate property located at 347 Precita Ave., San Francisco, CA 94110, San Francisco, California (hereafter "Property")

Movant and Debtors are in escrow for the short sale of the Property.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Any interested party may seek to compel the trustee (or DIP) to abandon estate property by
3 motion showing that the property is burdensome or of inconsequential value and benefit to the estate. 11
4 USC § 554 (b); FRBP 6007(b); *In re Carter Paper Co., Inc.* (BC MD LA 1998) 220 BR 276, 301; *In re*
5 *Hyman* (9th Cir. BAP 1991) 123 BR 342, 347.

6 The bankruptcy court may authorize or order the trustee or debtor in possession to abandon back
7 to the debtor (or to a party with a possessory interest in the property) any property of the estate that is
8 burdensome to the estate or of inconsequential value and benefit to the estate. 11 USC § 554.

9 A creditor may file a motion for a court order requiring the trustee or debtor to abandon property
10 pursuant to § 554; FRBP 6007(b). If no one objects and requests a hearing after proper notice is given to
11 all interested parties, the § 554 “after notice and a hearing” requirement is deemed satisfied. 11 USC §§
12 102(1), 554(a); FRBP 6007(a); *Matter of Killebrew* (5th Cir. 1989) 888 F2d 1516, 1522, fn.
13 16—abandonment may occur without judicial involvement if notice requirement met; *Sierra*
14 *Switchboard Co. v. Westinghouse Elec. Corp.* (9th Cir. 1986) 789 F2d 705, 709.

15 The subject Property is underwater. Movant and Debtors have agreed to the Short Sale which
16 was approved by Debtors’ bank.

17 Movant hereby requests that the Court orders the subject Property abandoned, so that Movant
18 and Debtors can complete the short sale transaction.

19 Alternatively 11 USC § 363 authorizes sale of the property during the course of the bankruptcy.
20 Specifically 11 USC§363 (b) (1) states: “The trustee, after notice and a hearing, may use, sell, or lease,
21 other than in the ordinary course of business, property of the estate, except that if the debtor in
22 connection with offering a product or a service discloses to an individual a policy prohibiting the transfer
23 of personally identifiable information about individuals to persons that are not affiliated with the debtor
24 and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell
25 or lease personally identifiable information to any person unless— (A) such sale or such lease is
26 consistent with such policy; or (B) after appointment of a consumer privacy ombudsman in accordance
27 with section 332, and after notice and a hearing, the court approves such sale or such lease— (i) giving
28 due consideration to the facts, circumstances, and conditions of such sale or such lease; and

1 (ii) finding that no showing was made that such sale or such lease would violate applicable
2 nonbankruptcy law.

3 Movant hereby requests that the Court alternatively authorizes sale of the property, so that
4 Movant and Debtors can complete the short sale transaction
5

6 WHEREFORE, Movant prays that this Court enter its order that:

7 I. The subject Property located at 347 Precita Ave., San Francisco, CA 94110, San
8 Francisco, California is deemed abandoned;

9 II. Alternatively that the subject Property located at 347 Precita Ave., San Francisco, CA
10 94110, San Francisco, California can be sold at the short sale;

11 III. Movant shall be granted such other relief as this Court deems just and proper.
12
13

14 Dated: January 2, 2014

/s/ Brenda Cruz Keith
BREND A CRUZ KEITH,
Attorney for Movant
Benjamin Rojas